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10/564,257	05/03/2006	**Volker Albrecht**	710.1035	7709

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 January 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>16-30</u> is/are pending in the application.

    4a) Of the above claim(s) <u>none</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>16-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 January 2006</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>20060110 & 20060503</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

1.   The Oath/Declaration filed on 03 May 2006 and the amended Abstract filed on 10 January 2006 are acceptable to the examiner.

2.   Applicant's claim for the benefit of an earlier filing date pursuant to 35 U.S.C. 120 and 35 U.S.C 371 is acknowledged.

3.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

4.   The examiner has considered the prior art cited in the base applications.

5.   Figures 3, 4 & 5 of the set of drawings containing 5 sheets of 5 figures are acceptable to the examiner where the set of drawings consists of figures 3, 4 & 5 as presented in the set of drawings filed on 10 January 2006.

6.   The drawings filed on 10 January 2006 are objected to because:

        A) the drawings fail to comply with 37 CFR 1.84(p)(5) because they include the following reference legend not mentioned in the description, note reference legend 301.2 which has not been mentioned in the written description of figure 1 located in paragraph number 58, and note the corresponding objection to the disclosure.

        B) the drawings fail to comply with 37 CFR 1.84(p)(5) because they do not include the following reference legends mentioned in the description, note reference legends 110, 120 & 130 which has not been mentioned in the written description of figure 2 located in paragraph numbers 63, 70 & 91, and note the corresponding objection to the disclosure.

6.1   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7.   The disclosure is objected to because of the following informalities:

A) the following errors and/or inconsistencies between the drawings filed on 10 January 2006 and the written description have been noted:

(1) if applicant chooses not to delete reference legend 301.2 from figure 1, note above, then the written description fails to comply with 37 CFR 1.84(p)(5) because the written description does not include an explicit reference to this reference legend in the description of figure 1 located in paragraph number 58, note the proposed change to paragraph number 58 below.

(2) applicant's duplication of reference number 20.1 in paragraph number 61 "[0061] In a further … 20.1, 20.1 … generated comparisons." is confusing and maybe this reference should be −20.1, 20.2--, note the propose change below.

(3) if applicant chooses not to add reference legends 110, 120 & 130 to figure 2, note above, then the written description fails to comply with 37 CFR 1.84(p)(5) because the written description includes an explicit reference to this reference legend in the description of figure 2 located in paragraph number 63, 70 & 91, it is noted that as depicted in figure 2 and as described in the written description in paragraph numbers 64, 71, 72, 78, 83, 84, 85, 86, 88 & 116, the references to legends 110, 120 & 130 should be 110.1, 110.2; 120.1, 120.2; & 130.1, 130.2, respectively, and note the proposed changes below.

B) the disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code note paragraph number 65. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

C) in view of the above objections it is suggested that the following paragraphs be amended as indicated:

(1) at paragraph number 58:

[0058] The acquisition device comprises a keyboard 310 and an electronic form 304 which is displayed on the screen 303. The form comprises, per component of the components list, two input fields into which an operator types the setpoint MTBF value and the setpoint MTTR value of the respective component or inputs it using a voice processing program. In the example in fig. 1, three setpoint MTBF input fields 300.1, 300.3, 300.3 and three setpoint MTTR input fields 301.1, ~~301.3~~ 301.2, 301.3 are shown for three components B_1, B_2, B_3. On the right, the name of the respective component is entered next to each input field. The form 304 is generated automatically as a function of the components which are taken into account in the components list 130.1. If the components list 130.1 has a component added to it or if a component is removed, the form is therefore automatically adapted to the change. Furthermore, the data acquisition device comprises means for reading out the input setpoint MTBF values and setpoint MTTR values from the respective input fields and means for checking the plausibility of the input values.

(2) at paragraph number 61:

[0061] In a further embodiment, the device according to the invention is implemented using a network central computer 10 ("server") and a plurality of network subscriber computers 20.1, ~~20.1~~ 20.2, ... ("clients"). The network subscriber computers are connected to the network central computer 10 by the Internet or an Intranet. The architecture of the device comprises the following three layers:

- the data storage layer for storing data,

- the application layer for carrying out the evaluations and generating the comparisons, and

- the representation layer for representing the generated comparisons.

(3) at paragraph number 63

[0063] The following databases and software programs are installed on the network central computer 10:

- per category, one electronic system list ~~110~~ 110.1, 110.2 which lists all the systems of the category taken into account, and the systems may originate from different system manufacturers,

- per category, one electronic parts list ~~120~~ 120.1, 120.2 which is valid for all the technical systems of a category and describes a decomposition of a system of the category into its components,

- per category, an electronic components list ~~130~~ 130.1, 130.2 which comprises the maintenance- intensive components of the technical system,

- an Interact response program 180 ("web server") which receives requests and enquiries which are received from a network subscriber computer 20.1, 20.2, ... using, for example, the protocol HTTP, and passes on the responses and reactions generated by the network central computer 10 to the enquiring network subscriber computer 20.1 or 20.2 or 20.3,

- interlinking software 170 ("middleware") for interlinking the databases and electronic lists to the Internet response program 180.

(4) at paragraph number 65:

[0065] An Internet response program 180 is understood to be a program on the network central computer 10 which transfers Internet pages to enquiring network subscriber computers 20.1, 20.2, ... The enquiring network subscriber-computer has beforehand transferred the request to the Internet response program 180 by means of an Internet address which is specific to the Internet response program 180, by, for example, selecting specific alternatives on an Internet page represented by the Internet access program 190. The address has the form of a "uniform resource identifier" (URI). ~~http://www~~.w3.org/Addressing/describes how a URI is structured, said page having been searched on 8.1.2003. The Internet page is either static or dynamic. A dynamic Internet page is generated by the Internet response program 180. To do this, the Internet response program 180 transmit requests to one of the databases and uses the responses to generate the Internet page.

(5) at paragraph number 70:

[0070] The device according to the invention comprises a tree-like electronic parts list ~~120~~ 120.1, 120.2 for each category. The root of the parts list represents the entire system and the further nodes represent the components. One node for one component A is the successor of a node for a component B if A is part of B. In the parts

list, each component of the system is represented by a node, even the non-maintenance-intensive components.

(6) at paragraph number 91:

[0091] It is possible to characterize different components as maintenance-intensive in the same parts list for different systems for a category. For example, for one system the linear axis (NC drive) is maintenance-intensive and for another a bed track guide is maintenance-intensive. As a result different components lists ~~130~~ 130.1, 130.2 are produced for different systems of the same category.

7.1   Appropriate correction is required.

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.1   Claims 29 & 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8.1.1   In regard to claims 29 & 30, it is noted that one of ordinary skill at the time the invention was made would be confused by how to interpret claimed invention because it is noted that these claims are directed to a "computer program product comprising program code stored on a computer readable media" in claims 29 & 30, see the preamble, all of which would be classified in the statutory class of "manufacture/machine" (35 U.S.C. 101). However, these claims contain language that continues to recite that the "manufacture/machine" has stored instructions for carrying out or performing the functions of the actions of method of a machine/process that is recited in another claim which would then cause these claims to be classified in the statutory class of a "process" (35 U.S.C. 101). Although it is clear that applicant wishes the claimed invention to include the subject matter recited as a process or a machine in a previous claim, these claims are confusing since it is unclear whether or not this claim is to be considered as either:

A) an independent claim in the statutory class of a "manufacture" (35 U.S.C. 101); or

> B) a dependent claim in the statutory class of a "process" or a "machine" (35 U.S.C. 101); or

> C) an dependent claim in the statutory class of "manufacture" (35 U.S.C. 101); or

> D) a independent claim in the statutory class of a "process" or a "machine" (35 U.S.C. 101);

Ex parte Lyell, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990) and see also MPEP 2173.05(p).

8.1.2   For the above reasons applicant has failed to particularly and distinctly point out what is regarded as the invention.

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9.1   Claims 16-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

9.1.1   It is noted that the disclosure presents a disclosed substantial and credible utility for the invention of:

> A) machine/system/apparatus claims 16-22 as a machine comprising one or more structures to perform functions that when taken as a whole achieve the useful and beneficial function of determining a number representing the mean time between failures of a machine/component; and

> B) process/method claims 23-30 as a process/method comprising a sequence of steps/actions to perform functions that when taken as a whole provide the useful and beneficial function of determining a number representing the mean time between failures of a machine/component.

9.1.2   It is further noted that as recited/implied by the claims, the invention of:

> A) claims 16-22 when taken as a whole are directed to a machine that is intended to achieve the claimed utility of determining a number representing the mean time between failures of a machine/component; and

B) claims 23-30 when taken as a whole are directed to a process/method that is intended to achieve the claimed utility of determining a number representing the mean time between failures of a machine/component.

9.1.3 In regard to each of the pending claims while taking each claim as a whole and interpreting the claims as the claims could reasonably be interpreted by one of ordinary skill at the time the invention was made as guided by the written description, it is noted that one of ordinary skill at the time of the invention could reasonably make the following observations in regard to the interpretation of each of the pending claims.

9.1.3.1 In regard to the recited utility of independent/base claims 16 & 23, it is noted that these claims recite an intended field of utility for the invention recited as a machine in claim 16 and as a process in claim 23 that provides the functions of determining a number representing the mean time between failures of a machine/component.

9.1.3.2 In regard to the limitations of independent/base claim 16, it is noted that as one of ordinary skill at the time the invention was made would reasonably interpret:

A) the first structure recited in machine claim 16 as being a positive recitation of a structure that is directed to nothing more than a structure for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of generating or collecting first data/information representing a listing of components of a system that when a component fails the system will fail", since as recited the data/information that is gathered/produced by the performing the recited function (1) is positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

B) the second structure recited in machine claim 16 as being a positive recitation of a structure that is directed to nothing more than a structure for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of acquiring or collecting

second data/information representing a setpoint for the mean time between failures (MTBF) for each of the components in the list that when the component fails the system will fail", since as recited the data/information that is gathered/produced by the performing the recited function (1) is positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

C) the third structure recited in machine claim 16 as being a positive recitation of a structure that is directed to nothing more than a structure for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of determining or calculating third data/information representing a summation of the inverse or reciprocal of the values of the setpoint MTBF for each of the components in the list that when the component fails the system will fail", since as recited the data/information that is gathered/produced by the performing the recited function (1) is positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

D) the fourth structure recited in machine claim 16 as being a positive recitation of a structure that is directed to nothing more than a structure for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of determining or calculating fourth data/information representing the predicted mean time period between failures as the inverse or reciprocal of the summation of the inverse or reciprocal values of the setpoint MTBF for each of the components in the list that when the component fails the system will fail", since as recited the data/information that is gathered/produced

by the performing the recited function (1) is not positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

Hence, one of ordinary skill at the time the invention was made could reasonably interpreted claim 16 when taken as a whole as being directed to nothing more than a machine for the abstract gathering and manipulation of data/information with out either: (1) a transformation of the collected and data/information into something other than data/information, or (2) a claimed practical application of the results of the gathering and manipulation of data/information, or (3) claimed requirement that any of the recited structures or actions are present or would perform any function for any purpose not related to the manipulation of data/information.

9.1.3.3 Regarding the additional subject matter recited as dependent claims 17, 18, 19, 20, 21 & 22, it is noted that as one of ordinary skill at the time the invention was made would reasonably interpret the claimed subject matter as being directed to both (A) nonfunctional descriptive material that does not go beyond merely defining the nature/source of the recited data/information that is to be used when performing the recited processing; and (B) functional descriptive material that does not go beyond defining the nature of the steps/actions that are used when performing the recited functions of processing or gathering of data/information and hence does not alter the statutory nature of the invention recited as the invention in the base claims.

9.1.3.4 In regard to the limitations of independent/base claim 23, it is noted that as one of ordinary skill at the time the invention was made would reasonably interpret:

A) the first action performed as recited in process claim 23 as being a positive recitation of an action that is directed to nothing more than an action for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of acquiring or collecting first data/information representing a setpoint for the mean time between failures (MTBF) for each of the components in a list of components that when the component fails the system will fail", since as recited the data/information that is gathered/produced by the

performing the recited function (1) is positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

B) the second action performed as recited in process claim 23 as being a positive recitation of an action that is directed to nothing more than an action for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of determining or calculating second data/information representing a summation of the inverse or reciprocal of the values of the setpoint MTBF for each of the components in the list that when the component fails the system will fail", since as recited the data/information that is gathered/produced by the performing the recited function (1) is positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

C) the third action performed as recited in process claim 23 as being a positive recitation of an action that is directed to nothing more than an action for performing the data/information gathering/processing function of "using an unspecified machine/process to perform the data/information gathering/processing function of determining or calculating third data/information representing the predicted mean time period between failures as the inverse or reciprocal of the summation of the inverse or reciprocal values of the setpoint MTBF for each of the components in the list that when the component fails the system will fail", since as recited the data/information that is gathered/produced by the performing the recited function (1) is not positively recited as being provided as input for use by latter processing that is positively recited as being performed either internally or externally of the recited invention; and (2) is not positively recited as being

processed/gathered by any specific machine or process that would be interpreted by one of ordinary skill at the time the invention was made as positively performing any other function beyond the function recited as data/information gathering/processing.

Hence, one of ordinary skill at the time the invention was made could reasonably interpreted claim 23 when taken as a whole as being directed to nothing more than a process for the abstract gathering and manipulation of data/information with out either: (1) a transformation of the collected and data/information into something other than data/information, or (2) a claimed practical application of the results of the gathering and manipulation of data/information, or (3) claimed requirement that any of the recited structures or actions are present or would perform any function for any purpose not related to the manipulation of data/information.

9.1.3.5 Regarding the additional subject matter recited as dependent claims 24, 25, 26, 27 & 28 it is noted that as one of ordinary skill at the time the invention was made would reasonably interpret the claimed subject matter as being directed to both (A) nonfunctional descriptive material that does not go beyond merely defining the nature/source of the recited data/information that is to be used when performing the recited processing; and (B) functional descriptive material that does not go beyond defining the nature of the steps/actions that are used when performing the recited functions of processing or gathering of data/information and hence does not alter the statutory nature of the invention recited as the invention in the base claims.

9.1.3.6 Regarding the additional subject matter recited as dependent claims 29 & 30, it is noted that as one of ordinary skill at the time the invention was made would reasonably interpret the claimed subject matter as being directed to functional descriptive material that does not go beyond defining the steps/actions that are used when performing the recited functions of processing or gathering of data/information and hence does not alter the statutory nature of the invention recited as the invention in the base claims.

9.1.4   In view of the above characterization of claims 16-30 it can clearly be seen that, as these claims would be reasonably interpreted by one of ordinary skill at the time the invention was made, as merely conveying to one of ordinary skill at the time the invention was made a description of an invention that does not go beyond the gathering and manipulation of data/information and therefor merely sets forth the abstract ideas of receiving and transforming

data by processing/manipulating the data/information into other data/information, for example transforming numbers to numbers without:

A) requiring by explicitly reciting and achieving a claimed requirement that the results of the claimed invention be tangibly used in anyway by anyone or anything in order to achieve either:

(1) a concrete and tangible useful result; or

(2) a concrete and tangible useful practical application of either:

(a) the recited mathematical processing; or

(b) the resultant numbers/data produced by the claimed invention;

or

B) reciting and achieving a physical transformation of one thing into something else.

Such a claimed invention consisting solely of data collection and processing or manipulating data/information, whether it is drafted as a machine or process or manufacture no matter how useful the claimed invention may appear, is deemed to be directed to an attempt by applicant to patent an abstract idea of processing/manipulating data/information which would preempt all uses of the processing recited as the claimed invention and therefore as set forth by the Court the claimed invention is deemed to be directed to non-statutory subject matter, see either (A) DIAMOND v. DIEHR AND LUTTON, 209 USPQ 1 at 8 (US SupCT, 1981), citing GOTTSCHALK v BENSON ET AL, 175 USPQ 673 (US SupCT, 1972), and PARKER v FLOOK, 198 USPQ 193 (US SupCT, 1978), at pages 7-8; or (B) In re WARMERDAM, 31 USPQ2d 1745 at 1758-1759 (CAFC, 1994); or (C) STATE STREET BANK AND TRUST CO. v SIGNATURE FINANCIAL GROUP INC., 38 USPQ2d 1596 at 1602 (CAFC 1998); or (D) In re RICHMAN, 195 USPQ 340 at 344 (CCPA 1977); or (E) In re MAUCORPS, 203 USPQ 812 @ 815-816 (CCPA 1979), citing both In re JOHNSON, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978), and In re FREEMAN, 573 F.2d at 1247, 197 USPQ at 472. Note also "Thus, a process consisting solely of mathematical operations, i.e., converting one set of numbers into another set of numbers, does not manipulate appropriate subject matter and thus cannot constitute a statutory process. In practical terms, claims define nonstatutory processes if they: − consist solely of mathematical operations without some claimed practical application (i.e.,

executing a "mathematical algorithm"); or – simply manipulate abstract ideas, e.g., a bid (Schrader, 22 F.3d at 293-94, 30 USPQ2d at 1458-59) or a bubble hierarchy (Warmerdam, 33 F.3d at 1360, 31 USPQ2d at 1759), without some claimed practical application." MPEP 2106, 2106.01 & 2106.02.

10.   The following is a statement of reasons for the indication of allowable subject matter over the prior art:

A) the prior art, for example:

(1) Anderson (2,883,255) discloses a machine/process that provides the useful and beneficial function of a remote machine/process monitoring and logging machine/process in which a sufficient number of machine/process operating parameters to characterize the operation of the monitored machine/process are monitored. The monitored operating parameters are then compared to corresponding thresholds or setpoints in order to determining if the current operation of the monitored machine/process has deviated from the normal operation of the monitored machine/process. When it is determined that the current operation of the monitored machine/process has deviated, then the operating parameter data/information is remotely displayed to an user/operator in a manner that permits the easy identification of the abnormal operating parameters by the user/operator.

(2) Bellows et al (5,132,920) discloses a machine/process that provides the useful and beneficial function of prioritizing the repair of a machine/process by using the mean time to failure of a machine/process as determined from the reciprocal of the mean time to failure of each of the components of the machine/process.

(3) Hooks et al (5,132,920) discloses a machine/process that provides the useful and beneficial function of using an analysis of different operating scenarios when designing machines/process in which the effective mean time to failure of a machine/process as determined from a summation of the reciprocal of the mean time to failure of each of the components of the machine/process.

(4) Brand et al (7,149,673) discloses a machine/process that provides the useful and beneficial function of estimating the changes in the life of a machine/process/product in order to redesign the machine/process/product by considering the inverse of a mean time between failures of the machine/process/product.

B) however, the prior art does not fairly teach or suggest in regard to claims 16 & 23 a machine in claim 16 and a process in claim 23, that provides the useful and beneficial function of determining the mean time between failures of a machine/component by providing structures in claim 16 and actions in claim 23 that perform at least the functions of:

(1) determining or acquiring a setpoint for the mean time between failures (MTBF) value for each of the critical components of a machine/process, that when a critical component fails then the machine/process will fail;

(2) determining or calculating a summation of the inverse or reciprocal of the values of the setpoint MTBF values for each of the critical components of the machine/process; and

(3) determining or calculating a predicted MTBF value as the inverse or reciprocal of the determined summation of the inverse or reciprocal values for the setpoint MTBF values for each of the critical components of the machine/process.

Claims 17-22, which depend from claim 16, and claims 24-30, which depend from claim 23, are allowable over the prior art for the same reason.

11.   Applicant must supply the "VDI guideline 3423" mentioned in paragraph number 94 with a properly completed PTO-1449.

12.   The German language documents listed on the PTO 1449 designated as B11, B13, B14, B15 & B16 have been considered only in regard to applicant's description provides in paragraph numbers 3, 42, 93, 99 & 111 written description as originally filed on 01 January 2006.

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward R. Cosimano whose telephone number is 571-272-0571. The examiner can normally be reached on 571-272-0571 from 7:30am to 4:00pm (Eastern time).

13.1   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13.2   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERC
04/12/2008

/Edward Cosimano/
Primary Examiner Unit 2863